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SUBJECT: CANADA: CONSERVATIVES GAIN CONTROL OF SENATE

REF: 08 OTTAWA 1577; 09 OTTAWA 909; OTTAWA 84

11. (SBU) Summary: Prime Minister Harper has gained effective control of the Senate in the next session of Parliament following the appointment of five new Conservative Senators, which gives his party a working plurality in the upper house for the first time. The shift should strengthen the Conservatives' ability to expedite passage of their policy agenda -- particularly on key crime and justice issues -- and increase chances for limited Senate reform. The Conservatives will take over as Senate committee chairs when Parliament resumes on March 3. The new balance of power allows the Prime Minister to put a Conservative stamp on the institution now, while also ensuring a strong Conservative influence for years to come. End summary.

#### CONSERVATIVES IN CHARGE IN THE RED CHAMBER

12. (U) Upon the recommendation of Prime Minister Stephen Harper on January 29, Governor General Michaëlle Jean appointed five new Conservative Senators (see para six for details). After long opposing appointment of senators absent some sort of provincial elections, PM Harper began naming Conservative Senators in December 2008 (ref a); he has now named a total of 33. When Parliament returns on March 3, Conservative Senators will have a plurality of 51 seats over 49 Liberals in the 105-seat upper chamber. There are also five Independents, most of who tend to vote with the government. If he remains in office until year's end, PM Harper will have the opportunity to replace one Conservative and two Liberal Senators facing mandatory retirement at age 75. The Conservatives will also gain control of Senate committee chairs after March 3, once the committees reconstitute following the December prorogation (ref b).

#### FULL AHEAD ON ANTI-CRIME AGENDA

13. (U) In a statement introducing the new Senators, PM Harper explicitly linked the new appointments with his government's tough-on-crime agenda, which he identified as "one of its highest priorities." He argued that the opposition had "abused their Senate majority by obstructing and eviscerating law and order measures that are urgently needed and strongly supported by Canadians." He underscored that the appointees were "committed to community safety and justice for the victims of crime," adding that "I look forward to working with each towards making our communities safer and protecting families from crime."

14. (U) Justice Minister Rob Nicholson separately on January 29 held a news conference to attack the Liberals as "soft on crime." He announced that the government would reintroduce key justice

bills that had lapsed when Parliament prorogued in December, including a bill (C-15) to impose mandatory minimum sentences for serious drug crimes. He noted that the government would - unusually -- introduce C-15 first in the Senate. In the previous session, the Liberal majority in the Senate had weakened the mandatory minimums in the bill to preserve judicial discretion. Liberal Senators had also tried (and failed) to amend a bill to eliminate enhanced credit for pre-trial detention. However, of the 17 crime bills introduced by the Conservatives in the previous session, only two spent more than six months in the Senate, and most died on the order paper when the Conservatives prorogued Parliament (ref c).

#### STILL COMMITTED TO REFORM

¶5. (U) The Prime Minister pledged that his government would continue to push for "a more democratic, accountable and effective" Senate. Although legally eligible to serve until 75 years of age, all of the new appointees (as in the 2008 appointments) have reportedly promised to support Conservative legislation limiting their terms to eight years. The appointments attracted no apparent pushback from the Conservative base, which reportedly has accepted the tactics of Senate appointments in order to achieve the greater goal of Senate reform.

¶6. (U) The five new Senators represent Quebec, Ontario, New Brunswick, and Newfoundland and Labrador. Three have political experience as provincial politicians, and two have provincial cabinet experience, including one in Public Safety, Security, Justice and Correctional Services portfolios. The list of appointees follows:

- Pierre-Hugues Boisvenu (Quebec), victims' rights advocate
- Bob Runciman (Ontario), member of the Ontario Legislature
- Vim Kochhar (Ontario), businessman and philanthropist
- Elizabeth Marshall (NL), member of the Newfoundland Legislature
- Rose-May Poirier (NB), member of the New Brunswick Legislature

#### LIBERAL RESPONSE: HYPOCRISY!

¶7. (U) Liberal opposition leader Michael Ignatieff accused PM Harper of hypocrisy over the latest appointments, arguing that the PM had failed to respect his political base by breaking his pledge not to appoint senators. He defended the Senate as doing good work "fundamental to Canadian democracy" in double-checking the Commons' bills, and claimed that PM Harper had used the previously Liberal-dominated Senate as a constitutional scapegoat for stalling his agenda. He insisted that the Liberals also support Senate reform in principle. On January 31, he laid out some "do-able" Senate reform ideas of his own, including twelve-year term limits (versus the Conservatives' proposal of eight-year terms) and an independent commission to approve Senate candidates proposed by a Prime Minister. Ignatieff promised to push for these reforms in consultation with the provinces, which have a constitutional role in approving any significant changes to the Senate. However, he added that "I don't think that Senate reform is the highest priority of the hard-pressed middle class of this country." Other Liberal MPs criticized Harper for diminishing the historical independent role of the Senate by making it an extension of his partisan caucus.

18. (SBU) Comment: The Conservatives have used Senate reform and law-and-order as political "wedge" issues to bolster their base and to label the Liberals as soft-on-crime. In doing so, the Conservatives have often overstated the Senate's ability to obstruct legislation. The Conservatives' new Senate role marks an important shift, enhancing the current government's ability to advance its own agenda and putting a more conservative - and Conservative -- ideological stamp on the Senate that will last for years, regardless of which party forms the next government.  
JACOBSON